



State of Delaware  
**Public Service Commission**  
861 Silver Lake Blvd.  
Cannon Building, Suite 100  
Dover, Delaware 19904  
Telephone: (302) 736-7500

### MEMORANDUM

**TO:** The Chairman and Members of the Commission

**FROM:** Renay L. Edge, Public Utilities Analyst

**DATE:** August 27, 2019

**SUBJECT:** IN THE MATTER OF THE APPLICATION OF ARTESIAN WASTEWATER MANAGEMENT, INC. FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE WASTEWATER SERVICES PURSUANT TO 26 DEL. C. § 203D ("INDIAN17.00")  
**(FILED AUGUST 5, 2019) - PSC DOCKET NO. 19-0495**

On August 5, 2019, Artesian Wastewater Management, Inc. ("AMWI" or the "Company") filed an application (the "Application") with the Delaware Public Service Commission (the "Commission") pursuant to 26 Del. C. § 203D(d)(2) seeking a Certificate of Public Convenience and Necessity ("CPCN") to provide wastewater services to one parcel of land in Sussex County, Delaware, identified as Tax Map Parcel No. 234-4.00-17.00 (the "Proposed Service Area").

As required under 26 Del. C. § 203D and the Commission's *Regulations Governing Certificates of Public Convenience and Necessity to Provide Wastewater Services*, 26 Del. Admin. C. § 6001 (the "Regulations"), AWMI included the following documentation in its Application: (1) copies of petitions requesting wastewater services signed by all landowners of record of each parcel or property encompassed within the Proposed Service Area; (2) copies of the United States Postal Service forms verifying that the Company sent, via certified mail, a Commission-approved notice to all landowners of record of each parcel included in the Proposed Service Area; (3) a list of the County tax map parcel identification numbers of the properties and identification of all landowners of record included in the Proposed Service Area; (4) a copy of the associated map clearly marking the Proposed Service Area; and (5) a copy of the letter from Sussex County stating

no objection to the Application.<sup>1</sup> Staff found no errors or omissions during its review of the Application.

As required by the Regulations, Staff requested written comment from the Division of Water Resources of the Department of Natural Resources and Environmental Control (“DNREC”), the Delaware Office of State Planning Coordination (“OSP”), and the Sussex County Engineering Department (the “County”) regarding the Proposed Service Area.

DNREC did not provide a response. However, the lack of response should not be taken as an indication that DNREC has any issue(s) relating to AWMI’s ability to provide safe, adequate, and reliable wastewater services to its existing customers.

The County received and reviewed the CPCN application and noted that the parcel is in the Tier 3 Coordinated CPCN Areas per the Sussex County Sewer Tier Map, requiring approval from Sussex County prior to a CPCN application. The County states it will not object to AWMI’s requesting a CPCN for the proposed service area.

OSP responded noting that the Proposed Service Area is located within an Investment Level 4 area. Level 4 indicates where state investments will support agricultural preservation, natural resource, protection, and the continuation of the rural nature of these areas. The OSP stated in its response that **“new development activities and suburban development are not supported in Investment Level 4 areas.”** OSP expressed that the state has no intention to invest in infrastructure upgrades or additional services for this area unless necessary for the health, safety, and welfare of the existing residents.

OSP further stated that after reviewing the Land Use Planning Act (“LUPA”) and Preliminary Land Use Service (“PLUS”) records, OSP has not reviewed the parcel through PLUS or LUPA for proposed development.

In conclusion, AWMI’s Application complies with statutory and regulatory requirements of 26 *Del. C.* § 203D and 26 *Del. Admin. C.* § 6001. Therefore, consistent with statutory requirements, Staff recommends the Commission approve the Application.

---

<sup>1</sup> As required by the Regulations, an application that extends services into the service territory of a municipality, Government agency or wastewater authority must provide written documentation that such entity has been informed of and has approved the applicant’s proposed expansion.

